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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/024,767      | 12/19/2001  | Siegfried Wurzer     | AT 000073           | 3978             |

24737 7590 09/29/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

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| EXAMINER |
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SHIBRU, HELEN

|          |              |
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| ART UNIT | PAPER NUMBER |
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2621

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/024,767

Applicant(s)

WURZER, SIEGFRIED

Examiner

HELEN SHIBRU

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments, filed 07/19/2006, have been entered and made of record. In view of the Applicants' arguments to the specification, the objection to the specification is hereby withdrawn. Claims 1-6 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 07/19/2006 with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Applicant states in page 4 that "all blocks are labeled". In response the Examiner respectfully disagrees. All blocks in figures 1, 3, 4 are not labeled. The blocks have numbers but not legends or labels. For example, block 4 should have a label "interface", block 2 should have a label "modular unit" etc.

Therefore figures 1, 3, and 4 are objected again.

### ***Allowable Subject Matter***

3. The indicated allowability of claims 2-6 is withdrawn in view of the newly discovered reference(s). Rejections based on the newly cited reference(s) follow.

### ***Drawings***

4. Figures 1, 3-4 are objected to under 37 CFR 1.83(a) because the proper labels or legend corresponding to all blocks must be provided. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office

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action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka (US Pat. No. 6,983,099).

Regarding claim 1, Tanaka discloses an arrangement which can be activated for an operating time, the arrangement comprising:

a modular unit that can be started and stopped (see col. 7 lines 23-37),

stopping means which are designed for stopping the started modular unit, the stopping means comprising (see col. 7 lines 5-13):

delay means which are designed for delaying the stopping of the modular unit in accordance with a run-out time during the operating time of the arrangement (see col. 7 lines 38-53), and

changing means which are designed for changing the run-out time (outpoint is changed from 0:00:51:02-0:00:51:05).

Regarding claim 2, Tanaka discloses the stopping means have counting means which are designed for counting start/stop cycles of the modular unit, and in which the changing means are designed for changing the run-out time as a function of the counted start/stop cycles (see after a delay of three frames run-out time is changed. See rejection of claim 1).

Regarding claim 3, Tanaka discloses frequency-processing means provided which are designed for processing the frequency of the occurrence of an operating state of the modular unit, and in which the changing means are designed for changing the run out time as a function of a processing result of the frequency processing means (see col. 7 lines 33-37 and 53-67, the run-out time is changing based on the out point. See also figure 9).

Regarding claim 4, Tanaka discloses the frequency-processing means are designed for processing the frequency of the occurrence of the started operating state of the modular unit (see col. 7 lines 44-52, after the in point is set by the user first. See also figure 9).

Regarding claim 5, Tanaka discloses the frequency-processing means are designed for processing the frequency of the occurrence of an operating state of the modular unit within an observation time interval (see figure 9 the change is made within the observation time interval).

Regarding claim 5, Tanaka discloses the frequency-processing means are designed for processing the frequency of the occurrence of a change in operating state of the modular unit within an observation time interval (see figure 9).

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Franken et al. (US PG PUB 2001/0027555)

Sato et al. (US Pat. No. 7,085,855).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329.

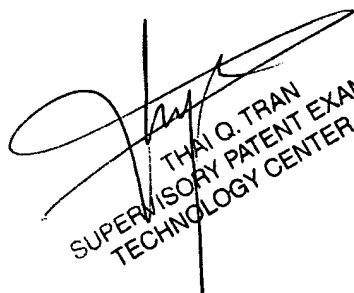
The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibu  
September 26, 2006



THAI Q. TRAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600